18351 U.S.PTO
100603

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100603

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No: 5760-06102

Inventor(s):
Paul L. Borrill

Title: DYNAMIC DISTRIBUTED DATA SYSTEM AND METHOD

§

CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EV318247918US
DATE OF DEPOSIT: 10-6-03

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Derrick Brown

## UTILITY PATENT APPLICATION TRANSMITTAL

(For new non-provisional applications under 37 CFR § 1.53(b))

| | |
|---|---|
| Continuing Application: ☒ Continuation of prior application No.: 09/972,831 | |
| Inventor(s) Paul L. Borrill | Filed: October 5, 2001 |
| Title: DYNAMIC DISTRIBUTED DATA SYSTEM AND METHOD | Examiner: Kevin L. Ellis<br>Group/Art Unit: 2188<br>Assignee: Veritas Software Corporation |
| Power of Attorney in Prior Application: | B. Noël Kivlin<br>Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.<br>P.O. Box 398<br>Austin, Texas 78767-0398 |

**Application Elements**

1. ☒ Filing Fee
   The filing fee is calculated as shown below.

| | | | | | | |
|---|---|---|---|---|---|---|
| Total Claims | 6 | - 20 | = -14 | x | $18.00 = | |
| Independent Claims | 3 | - 3 | = 0 | x | $86.00 = | $ - |
| Multiple Dependent Claims | | | | | Fee: | |
| | | | | | Basic Fee: | $ 770.00 |
| | | | | | Total: | $ 770.00 |

   ☒ The Commissioner is hereby authorized to charge the filing fee and any other fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5760-06102/BNK.
2. ☒ Specification
   21 page(s) of specification; 2 page(s) of claims, 1 page(s) of abstract
3. ☒ Drawings
   Formal Figure(s) 1-7 on 7 sheet(s)
4. ☒ Oath or Declaration
   ☐ Newly executed
   ☒ Copy from a prior application (see 37 C.F.R. § 1.63(d))

Deletion of Inventor(s) (in continuation or divisional applications):
☐ Delete the following inventor(s) named in the prior non-provisional application:

_____

☐ The inventor(s) to be deleted are set forth on a signed sheet attached hereto.

5. ☒ The entire disclosure of the prior application(s) referred to above is/are considered to be part of the accompanying application and is hereby incorporated by reference herein.
6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
   - ☐ Computer Readable copy
   - ☐ Paper Copy (identical to computer copy)
   - ☐ Statement verifying identity of above copies
8. ☐ Assignment Papers
9. ☐ Notice of Recordation of Assignment from parent application evidencing assignment
10. Power of Attorney
    - ☒ Is attached.
    - ☐ The power of attorney appears in the original papers of the prior application.
    - ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
11. ☒ Information Disclosure Statement (IDS)
    - ☐ Copies of IDS Citations
    - ☒ The Commissioner is hereby specifically requested to make the IDS(s), as well as any prior art of record in the prior application(s), of record in connection with this application.
12. Amendments
    - ☒ A preliminary amendment is enclosed.
    - ☐ Cancel in this application claim(s) ____ before calculating the filing fee. At least one independent claim is retained for filing purposes.
13. ☒ Return Receipt Postcard
14. Small Entity Status
    - ☐ A small entity statement is enclosed.
    - ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
    - ☐ Is no longer claimed.
15. ☐ Priority of foreign application number _____, filed on in _____ is claimed under 35 U.S.C. §§ 119(a)-(d)
16. ☐ Petition under 37 C.F.R. § 136 for Extension of Time
17. ☒ Fee Authorization form

Address all future correspondence to:
B. Noël Kivlin
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P.O. Box 398
Austin, Texas 78767
(512) 853-8800; Fax (512) 853-8801

Signature _____
Name B. Noël Kivlin
Registration No. 33,929
Date 10-6-03

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Atty. Dkt. No: 5760-06102

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Title: DYNAMIC DISTRIBUTED DATA SYSTEM AND METHOD

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Derrick Brown

## FEE AUTHORIZATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Commissioner is hereby authorized to charge the following fee to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 501505/5760-06102/BNK:

| | | | | | | |
|---|---|---|---|---|---|---|
| Total Claims | 6 | - 20 | = -14 | x | $18.00 = | |
| Independent Claims | 3 | - 3 | = 0 | x | $86.00 = | $ - |
| Multiple Dependent Claims | | | | | Fee: | |
| | | | | | Basic Fee: | $ 770.00 |
| | | | | | Total: | $ 770.00 |

Attorney Docket No.: 5760-06102

The Commissioner is also authorized to charge any extension fee or other fees which may be necessary to the same account number.

Signature
Name B. Noël Kivlin
Registration No. 33,929
Date 10-6-03

PTO/SB/35 (11-00)
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Derrick Brown

# REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

| | |
|---|---|
| Atty Docket Number: | 5760-06102 |
| First Named Inventor: | Paul L. Borrill |
| Title: | DYNAMIC DISTRIBUTED DATA SYSTEM AND METHOD |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b)

10-6-03
Date

Signature

B. Noël Kivlin 33,929
Typed or printed name Reg. No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.